

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>In Re:</b>	§ <b>Chapter 7</b>
<b>HOUSTON REAL ESTATE PROPERTIES, LLC,</b>	§ <b>Lead Bankruptcy Case No. 22- 32998</b>
<i>Debtor.</i>	§
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<b>2727 KIRBY 26L, LLC; 9201 MEMORIAL DR LLC; and SHEPHERD-HULDY DEVELOPMENT I, LLC;</b>	§ <b>Adversary No. 24-03091</b>
<i>Plaintiffs,</i>	§
<i>v.</i>	§
<b>CYPRESS BRIDGEKO, LLC; MAGNOLIA BRIDGEKO, LLC; and GARY LANCASTER, TRUSTEE</b>	§
<i>Defendants.</i>	§
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**CYPRESS BRIDGEKO, LLC'S EMERGENCY  
MOTION TO REOPEN AND EMERGENCY HEARING REQUEST**

Emergency relief has been requested. Relief is requested not later than November 20, 2024.

Emergency relief has been requested. If the Court considers the motion on an emergency basis, then you will have less than 21 days to answer. If you object to the requested relief or if you believe that the emergency consideration is not warranted, you should file an immediate response.

Pursuant to this Court's Order Abating Motion [Dkt. 13], Defendant Cypress BridgeCo, LLC moves the Court to reopen this matter for the limited purpose of allowing the Court to consider BridgeCo's pending Emergency Motion to Expunge Lis Pendens and Emergency Hearing Request [Dkt. 12].

1. As the Court, itself, noted, “[t]his case was closed on July 15, 2024.” *See Dkt. 13 Order Abating Motion* (citing to Dkt. 9, Order of Dismissal). The Court indeed closed this case after Plaintiffs 2727 Kirby 26, LLC, 9201 Memorial Dr., LLC, and Shepherd-Huldy Development I, LLC (the “Choudhri Plaintiffs”) filed a voluntary Motion to Dismiss “seek[ing] to dismiss all claims. . . .” *See Dkt. 8*, the Choudhri Plaintiffs’ Motion to Dismiss.

2. More than three months later, though, the Choudhri Plaintiffs improperly recorded a lis pendens (the “Lis Pendens”) on property forming the basis of this case—2727 Kirby 26L, Houston, Texas 77098 (the “Property”). *See Dkt. 12 ¶ 4*; Dkt. 12-1, the Lis Pendens. Not only were the underlying claims dismissed by this Court, but the Choudhri Plaintiffs also failed to serve any notice of the Lis Pendens to BridgeCo. *See Dkt. 12-2*, Declaration of Casey Marcin.

3. This Court notably previously retained jurisdiction over the foreclosure proceedings and the same Property forming the basis of this case. Specifically, in another adversary case under this lead bankruptcy case with the same Choudhri Plaintiffs, this Court entered an Order on March 8, 2024, providing that it:

retains jurisdiction over any disputes related to the Properties . . . [and] [t]his specifically includes jurisdiction over any dispute regarding foreclosure on the Properties, injunctions or temporary relief sought to prevent or stop foreclosure, and forcible detainer matters relating to the Properties.

*See Dkt. 12-3, Agreed Order in Case No. 23-ap-03141, John Quinlan, Omar Khawaja, and Osama Abdullatif v. Houston Real Estate Properties, LLC, et al.* (the “Quinlan Adversary”).

4. Nevertheless, one month after this Order, the Choudhri Plaintiffs attempted to circumvent this Court’s jurisdiction by filing a state court action to obtain an injunction and block the Court-permitted foreclosure proceedings. The Choudhri Plaintiffs were unsuccessful in stopping the foreclosure proceedings, and BridgeCo then removed that state court action to this Court. *See Dkt. 1*, BridgeCo’s Notice of Removal.

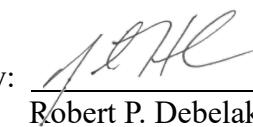
5. Despite the Court's dismissal of this case on July 15th, this Court retained its jurisdiction to resolve disputes pertaining to the Property and BridgeCo's foreclosure proceedings. And here, the Choudhri Plaintiffs improperly recorded the Lis Pendens under the false guise that this case still included active claims. Thus, BridgeCo filed an Emergency Motion to Expunge Lis Pendens and Emergency Hearing Request [Dkt. 12] in this Court.

6. In accordance with the Court's recent Order [Dkt. 13], BridgeCo now files this Emergency Motion to Reopen this case for the limited purpose of resolving its Emergency Motion to Expunge the Lis Pendens.

7. BridgeCo will incur significant disruption to its business operations and harm if this case is not immediately reopened, so the Court may hear BridgeCo's emergency request to expunge the Lis Pendens. *See* Dkt. 12-2. Accordingly, BridgeCo moves the Court to reopen this case and requests an emergency hearing for the same.

Dated: November 19, 2024,

McDOWELL HETHERINGTON LLP

By:   
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*Counsel for Cypress BridgeCo, LLC*

**CERTIFICATE OF ACCURACY**

I certify that the foregoing statements are true and accurate to the best of my knowledge. This statement is being made pursuant to Bankruptcy Local Rule 9013-1(i).

  
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Justin R. Huber

**CERTIFICATE OF CONFERENCE**

I certify that I conferred with opposing counsel, Kevin M. Madden, via e-mail regarding Plaintiffs' position on this Motion. Mr. Madden indicated that he no longer represents the Plaintiffs in this matter. Additionally, I attempted to confer with the Choudhri Plaintiffs' co-counsel (Rob Tier) in the Quinlan Adversary matter who is also the same counsel that recorded the Lis Pendens. At the date and time of filing this Motion, I have not received a response from Mr. Tier.

  
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Justin R. Huber

**CERTIFICATE OF SERVICE**

I certify that, on the date set forth above, I cause a copy of the foregoing motion to be served via the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

In addition, this motion has been provided in accordance with the Federal Rules of Bankruptcy Procedure to the following individual that recorded the *Notice of Lis Pendens* at issue who has not appeared in this adversary matter:

Rob Tier  
2810 Decker Place  
Houston, TX 77003  
Email: rteir@icloud.com

*Recorder of Notice of Lis Pendens and Co-Counsel  
for Defendant Houston Real Estate Properties, LLC in Quinlan Adversary*

  
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Justin R. Huber